

September 30, 1980

CONGRESSIONAL RECORD — SENATE

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In domestic issues, the GAO has produced valuable studies on problems within the Medicare, pollution, and anti-poverty programs; they have provided analyses of energy legislation, federal regulatory reform, and scandals within the General Services Administration's contracting system. The list is almost endless.

Congress has also given the GAO broad new statutory power in recent years. Among the more important of these have been the 1968 Senate rules change which required senators and candidates for the Senate, as well as certain Senate staff, to file annual income reports with the Comptroller General. The Legislative Reorganization Act of 1970 required the GAO to act as the Congress' agent in establishing standardized information and data processing systems. In 1974—as a direct result of the Watergate crisis and President Nixon's impoundment of appropriated funds—Congress passed the Congressional Budget and Impoundment Control Act. This law, which established the congressional budget committees, enlarged the GAO's program evaluation role and involved the Comptroller General in the congressional control over the President's authority to impound funds.

This legislative activity culminated in the General Accounting Act of 1980 which established procedures allowing GAO access to documents and records of federal agencies, contractors and grantees. It also provides for judicial enforcement of the GAO's written requests and subpoenas. Another major feature of the act establishes a formal procedure for congressional leadership to recommend individuals to the president for positions of Comptroller General and deputy.

Most recently, in the Chrysler Loan Guarantee, Congress provided up to \$3.5 billion in federal loan guarantees to prevent the Chrysler Corporation, the nation's third largest automobile manufacturer, from going bankrupt. Final approval of the guarantees and their administration was vested in a board with three voting members—the Secretary of the Treasury, Chairman of the Federal Reserve Board, and the Comptroller General. The law also authorized the GAO to audit the implementation of the guarantees.

To summarize the activities of the General Accounting Office today, it audits and evaluates federal programs; testifies at authorization, appropriation, and oversight hearings; assists in congressional investigations, assigning GAO staff to congressional committees for periods of up to one year; assists in developing statements of legislative objectives and goals; and makes legislative recommendations based on its audits and evaluations.

The GAO makes available to the Senate a multidisciplinary staff of accountants, attorneys, actuaries and other mathematical scientists, claims adjusters and examiners, engineers, computer and information specialists, economists and other social scientists, personnel management specialists, and many others. They are supplemented, as

needed, by consultants and experts from all academic and professional disciplines.

Since its creation, the General Accounting Office has evolved most admirably to provide Congress with the kind of professionalism, non-partisanship, and objectivity in its reports and recommendations that we need to perform our appropriation and oversight responsibilities. The GAO has become an integral part of the legislative process, and a support agency which makes possible a vigorous and independent Congress.

RECESS UNTIL 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m.

There being no objection, the Senate, at 1:41 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ROBERT C. BYRD).

The PRESIDING OFFICER. The Senator from West Virginia, in his capacity as a U.S. Senator, suggests the absence of a quorum, and the clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EXON). Without objection, it is so ordered.

The majority leader is recognized.

BENEFITS TO INDIVIDUALS HELD HOSTAGE IN IRAN AND TO SIMILARLY SITUATED INDIVIDUALS

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 7085.

The PRESIDING OFFICER. The clerk will state the message.

The assistant legislative clerk read as follows:

An act (H.R. 7085) to provide certain benefits to individuals held hostage in Iran and to similarly situated individuals, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second times and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HOSTAGE RELIEF ACT

● Mr. CHURCH. Mr. President, prior to the current outbreak of hostilities between Iran and Iraq, reports have indicated that some progress may have been forthcoming in the release of the Americans held hostage in Iran. It is certain, however, that these past months have been a great personal and financial strain for the hostages and their families. With these burdens in mind, on April 17, I introduced S. 2581 and S. 2582 as a package of legislation designed to provide tax, medical, educational, and legal relief for the hostages and the members of their families.

The first bill, S. 2582, and its House companion, H.R. 6086, have both been favorably reported by the Senate Ju-

diciary Committee. Senators Pell, Sarbanes, Bayh, Cohen, Durenberger, Javits, Baucus, Levin, McGovern, and Biden have become cosponsors.

The purpose of this bill is straightforward. It would raise from \$15,000 to \$40,000 the amount of compensation for both military and civilian personnel who suffer losses resulting from violence against U.S. personnel abroad or who are evacuated from hostile territory overseas.

Americans overseas are generally unable to obtain insurance to cover the risks of evacuation. Insurance for damages arising from riots or acts of war is not readily available. Coverage for personal property abandoned by evacuees is virtually unobtainable.

For example, in the evacuation of Iran, while some Americans were able to get some or most of their belongings shipped out of the country, many were forced to leave with only one suitcase per evacuee.

The second bill, S. 2581, is the companion bill of H.R. 7085, now before the Senate. Senators Pell, Sarbanes, Bayh, Cohen, Thurmond, Durenberger, Javits, Baucus, Levin, McGovern, Biden, Durkin, and Bumpers have joined as cosponsors.

As passed by the House, this legislation would provide American hostages in Iran benefits essentially the same as those which were available to U.S. prisoners of war in Vietnam. The bill would apply to civilian employees of the U.S. Government, and, as appropriate, to other U.S. citizens. Benefits for military personnel in hostage situations are provided for by existing statutes.

Relief available under authority of H.R. 7085:

First. Establishes a savings program into which salaries of government personnel being held hostage can be paid.

Second. Provides certain medical care not covered by insurance and limited education benefits for the hostages and their families.

Third. Extends the provisions of the Civil Relief Act now applicable to the members of the armed forces who would defer civil actions until the hostages are released.

Fourth. Exempts from income taxes compensation received for any month during which a Government employee is a hostage and provides total income tax exemption for an employee who dies as a result of his captivity.

Fifth. Clarifies the authority to allow the spouse of a hostage to file a joint income tax return and permits payment of taxes to be deferred until 180 days after the return of a hostage.

Sixth. Adds a sense of the Congress resolution urging regular visits be permitted to the hostages by the International Red Cross.

Mr. President, although these two bills will not make the hostages and their families whole, they will bring a measure of relief. Much credit for the successful passage of the Hostage Relief Act should be given to the members of FLAG, the Family Liaison Action Group, who have worked diligently and intelligently on this legislation. All of us in the Senate, I am certain, fervently hope and pray that the hostages may soon be returned to their families.

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Mr. President, I urge the passage of H.R. 6086 and H.R. 7085.●

Mr. DOLE. Mr. President, as ranking Republican on the Senate Finance Committee, I would like to express my full support for the tax provisions contained in the Hostage Relief Act. Under the bill, the American hostages could exclude from gross income any compensation from the Federal Government as long as they are held captive or subsequently hospitalized. The bill also would permit wives of hostages to elect to file a joint income tax return rather than a separate return. Finally, the bill would generally extend tax filing deadlines for individuals held hostage.

Mr. President, the proposed tax relief is the same as provided to POW's held during the Vietnam war and to crew members of the U.S.S. *Pueblo* who were seized by North Korea in 1968.

This relief seems singularly appropriate in view of the hardships that these individuals and their families have suffered as a result of the illegal actions of foreign terrorists.

In view of the need to enact this relief so that many hostage families can file their returns before their filing extensions expire on October 15, I favor the expedited passage of this measure without referral to the Senate Finance Committee.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 7085) was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROCEDURES FOR CRIMINAL CASES INVOLVING CLASSIFIED INFORMATION—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. BIDEN, I submit a report of the committee of conference on S. 1482 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1482) to provide certain pretrial, trial, and appellate procedures for criminal cases involving classified material, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR SENATE LEGAL COUNSEL TO APPEAR AS AMICUS CURIAE

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. BAKER and myself, I send to the desk a Senate resolution and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will state the resolution.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) and the Senator from Tennessee (Mr. BAKER), for themselves and Mr. DeCONCINI and Mr. HATCH, propose a resolution (S. Res. 533), as follows:

Whereas, the Committee on the Judiciary, which has delegated its authority to the Subcommittee on Improvements in Judicial Machinery, is charged with the responsibility of seeing that the functions of the Department of Justice are properly discharged, and

Whereas, the Subcommittee on Improvements in Judicial Machinery, by resolution of the Committee on the Judiciary of the United States Senate, has been authorized to investigate allegations regarding Robert L. Vesco and officers and employees of the United States, and

Whereas, the Subcommittee finds that the fulfillment of its responsibilities requires that certain documents from the Department of Justice be provided to it, and

Whereas, it appears that these documents may have been obtained or prepared in relation to a grand jury proceeding in the United States District Court for the District of Columbia, and

Whereas, the Subcommittee has requested these documents from the Department of Justice which has agreed to bring the Subcommittee's request to the attention of the District Court and present to the court the Department's views with respect to their release, and has suggested that the Subcommittee follow by presenting its views to the court as well, and

Whereas, section 706(a) of the Ethics in Government Act of 1978, 2 U.S.C. § 288e(a) (Supp. II 1978), provides that the Senate may direct the Senate Legal Counsel to appear as amicus curiae in the name of a subcommittee of the Senate in any legal proceeding in which the powers and responsibilities of Congress under the Constitution of the United States are placed in issue, and

Whereas, the opportunity of a committee of the Congress to obtain the information it deems necessary for the performance of its legislative and oversight functions places in issue the powers and responsibilities of the Congress under the Constitution, now therefore be it

Resolved, that the Senate Legal Counsel be authorized pursuant to section 706(a) of the Ethics in Government Act of 1978, 2 U.S.C. section 288e(a) (Supp. II 1978), to appear as amicus curiae in the United States District Court for the District of Columbia, in the name of the Subcommittee on Improvements in the Judiciary, to present the Subcommittee's views in support of release by the Department of Justice of documents relating to Robert L. Vesco, and to appear as amicus curiae in the name of the Subcommittee in any appeal from an order of the United

States District Court with respect to the release of such documents.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

The resolution (S. Res. 533) was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JUDICIAL COUNCILS REFORM AND JUDICIAL CONDUCT AND DISABILITY ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1873.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1873) entitled "An Act to establish a procedure for the processing of complaints directed against Federal judges, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Judicial Councils Reform and Judicial Conduct and Disability Act of 1980".

JUDICIAL COUNCILS OF THE CIRCUITS

SEC. 2. (a) Section 332(a) of title 28, United States Code, is amended to read as follows:

"(a) (1) The chief judge of each judicial circuit shall call, at least twice in each year and at such places as he may designate, a meeting of the judicial council of the circuit, consisting of—

"(A) the chief judge of the circuit, who shall preside;

"(B) that number of circuit judges fixed by majority vote of all such judges in regular active service; and

"(C) that number of district judges of the circuit fixed by majority vote of all circuit judges in regular active service, except that—

"(i) if the number of circuit judges fixed in accordance with subparagraph (B) of this paragraph is less than six, the number of district judges fixed in accordance with this subparagraph shall be no less than two; and

"(ii) if the number of circuit judges fixed in accordance with subparagraph (B) of this paragraph is six or more, the number of district judges fixed in accordance with this subparagraph shall be no less than three.

"(2) Members of the council shall serve for terms established by a majority vote of all judges of the circuit in regular active service.

"(3) The number of circuit and district judges fixed in accordance with paragraphs (1) (B) and (1) (C) of this subsection shall be set by order of the court of appeals for the circuit no less than six months prior to a scheduled meeting of the council so constituted.

"(4) Only circuit and district judges in regular active service shall serve as members of the council.

"(5) No more than one district judge from